

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/576, 706	05/22/00	ZEHNER	B 1002-171B

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EXAMINER

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ART UNIT PAPER NUMBER

1714

DATE MAILED:

*A*  
11/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/576,706</b>	Applicant(s) <b>ZEHNER</b>
	Examiner <b>VERONICA P. HOKE</b>	Group Art Unit <b>1714</b>

- Responsive to communication(s) filed on \_\_\_\_\_
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire **THREE** month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claim

- Claim(s) 1-20 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-20 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been
- received.
  - received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*Ref* *u1-27*  
Claims 14-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative,

under 35 U.S.C. 103(a) as obvious over Malucelli et al.

Malucelli et al discloses polyolefins such as polypropylene blended with a cellulosic material in particulate or fibrous form ( col. 1, lines 49-53). The polyolefin is preferably polypropylene (col.2, first paragraph) and the cellulosic containing material at 10-70 wt. % of the total blend is preferably made up of wood fibers or powders having average diameter or length of 0.01 to 5

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millimeters ( col.2, lines 21-31). The compositions are moldable and capable of being formed into building components ( col.2, lines 59-64). Conventional agents and substances in the art for plasticizing ( phosphate esters), impact modifications ( MBS resins) and extrusion assistance may be present as well ( col.3, lines 1-23). Exs. 1-4 actually illustrate working compositions wherein wood flour is utilized in an amount greater than the polypropylene content. Inorganic fillers may be present in addition ( col.2, last paragraph).

*14-20*  
Claims 14-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Motegi et al.

Motegi et al disclose a dried cellulosic filler such as wood flour which is crosslinked with glyoxal and utilized at 10-65% of the total composition which also comprises polypropylene or PVC ( col.1 - col.2, lines 61 and col.3, lines 8-44). Lubricants and inorganic fillers such as talc or mica may be present ( col.3, lines 60-65).

Applicant's compositions are not patentably distinct since the compositions admit of the inclusion of crosslinking agents ( specification at page 3, last paragraph).

*14-20*  
Claims 14-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bistak et al.

This reference discloses PP/elastomer blends with cellulosic fillers such as wood flour ( col.4, lines 59-60) wherein the wood flour content can exceed that of PP ( ex. 1-6); optionally

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with a flowing modifier and inorganic fillers ( upto 180 phr-- col.7, lines 9-62). The composition is moldable into vibration dampening composites such as sheets and panels ( col.8, lines 17-48).

Polyethylene wax ( see examples) is a known lubricant.

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Claims 14-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Stead et al.

This reference discloses moldable compositions comprising PP and 20-80 % filler such as wood flour optionally with an inorganic filler such as talc or mica and a lubricant ( col.2, lines 33-50) that is bonded to cloth by a non-filler PP composition. After thermoforming the composition , the result is a composite ( col.4, lines 27-44).

113 and 21-27

103

Claims 1-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Woodhams.

Patentee discloses compositions formed by extruding PP or PVC with wood flour ( col.4, lines 33-58 and col.13) and optionally additional fillers and/ or lubricants or stabilizers ( col.5, lines 20-51). See ex. 1 in col.15 and examples 5 and 7.

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*V-3421-27*

Claims 1-20 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Brandt.

See col.1, lines 1-59; col.2, lines 1-65 ( wood flour); col.3, line 3 through recipe "B".

*V-3421-27*

Claims 1-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fujita et al.

See col.1 - col.3, line 57. In ex. 1-4 the wax is a lubricant, a lead stabilizer is present and wood flour comprises 20-60 parts relative to 20-60 parts PVC and 20-40 parts ABS. The latter resin is includable in applicants compositions according to the disclosure at page 4, line 7.

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Nov. 21, 2000